

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRELL BELGARDE,

Defendant.

CR 17-72-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Tyrell Belgarde (Belgarde) has been accused of violating the conditions of his supervised release. Belgarde admitted the alleged violation. Belgarde's supervised release should be revoked. Belgarde should be placed in custody for 5 months, with 19 months of supervised release to follow.

**II. Status**

Belgarde pleaded guilty to Strangulation on February 7, 2018. (Doc. 22). The Court sentenced Belgarde to 27 months of custody, followed by 2 years of supervised release. (Doc. 28). Belgarde's current term of supervised release began on May 7, 2020. (Doc. 32 at 1).

### **Petition**

The United States Probation Office filed a Petition on August 24, 2020, requesting that the Court revoke Belgarde's supervised release. (Doc. 32). The Petition alleged that Belgarde had violated the conditions of his supervised release by failing to complete his 180-day term at the Great Falls Residential Reentry Center.

### **Initial appearance**

Belgarde appeared before the undersigned for his initial appearance on September 1, 2020. Belgarde was represented by counsel. Belgarde stated that he had read the petition and that he understood the allegations. Belgarde waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on September 1, 2020. Belgarde admitted that he had violated the conditions of his supervised release by failing to complete his 180-day term at the Great Falls Residential Reentry Center. The violation is serious and warrants revocation of Belgarde's supervised release.

Belgarde's violation is a Grade C violation. Belgarde's criminal history category is III. Belgarde's underlying offense is a Class C felony. Belgarde

could be incarcerated for up to 24 months. Belgarde could be ordered to remain on supervised release for up to 24 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 5 to 11 months.

### **III. Analysis**

Belgarde's supervised release should be revoked. Belgarde should be incarcerated for 5 months, with 19 months of supervised release to follow. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Belgarde that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Belgarde of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Belgarde that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Belgarde stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

**The Court FINDS:**

That Tyrell Belgarde violated the conditions of his supervised release by failing to complete his 180-day term at the Great Falls Residential Reentry Center.

**The Court RECOMMENDS:**

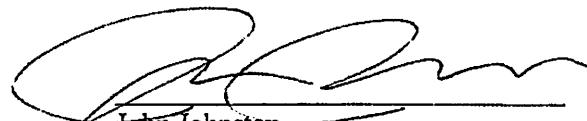
That the District Court revoke Belgarde's supervised release and commit Belgarde to the custody of the United States Bureau of Prisons for 5 months, with 19 months of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court

judge.

DATED this 2nd day of September, 2020.



John Johnston  
United States Magistrate Judge